

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

In RE:

IN BANKRUPTCY

CHARLES A. MARTENS
RACHEL A. R. MARTENS

Case No. 15-13176 cjf

Debtors.

ORDER REGARDING STAY AS TO ASSOCIATED BANK, N.A.

WHEREAS, a Motion to Terminate Automatic Stay was filed by Associated Bank, N.A., secured Creditor of the above-named Debtors, and Debtors having objected to same, and a preliminary hearing having been held before this Court;

IT IS HEREBY ORDERED:

1. The Automatic Stay is hereby terminated as to Associated Bank, N.A., but stayed until January 31, 2016, subject to the terms below.
2. The post-petition payment arrearage through January 31, 2016 is \$2,665.15, together with attorney's fees and costs of \$1,026.00 for a total post-petition

arrearage of \$3,691.15. The Debtors may pay the sum of \$2,665.15 to Associated Bank, N.A. on or before January 30, 2016.

3. If the Debtors fail to make payment of \$2,665.15 to Associated Bank, N.A. on or before January 30, 2016, the termination of the automatic stay shall become effective and enforceable, without further Order of this Court.

4. If payment of \$2,665.15 is made to Associated Bank, N.A. on or before January 30, 2016, the automatic stay shall remain in full force and effect and Associated Bank, N.A. may file a supplemental claim for the additional post-petition arrearage identified in Paragraph 21 above in the amount of \$1,026.00 (attorney's fees and costs). The Debtors shall be responsible for amending the Chapter 13 Plan or making other arrangements with the Trustee to secure said Supplemental Proof of Claim is paid during the remaining term of the Debtors' Chapter 13 Plan.

5. Further, if payment of \$2,665.15 is made to Associated Bank, N.A. on or before January 31, 2016, Associated Bank, N.A. is granted a six (6) month doomsday. Debtors shall be required to make their monthly mortgage payments to Associated Bank, N.A. in full and on time, with a fifteen (15) day grace period for the February, 2016 through July, 2016 monthly payments. If the Debtors fail to make any payment in full and on time, Associated Bank, N.A. shall be entitled to relief from the Automatic Stay with respect to the property located at 321 East Columbia Street, Chippewa Falls, WI 54729. Relief from Stay shall become effective upon completing the following:

- a. Associated Bank, N.A.'s counsel providing the Court with an Affidavit of Non-Payment;
- b. Associated Bank, N.A.'s counsel providing the Court with a proposed Order granting Relief from Stay;

- c. Associated Bank, N.A.'s counsel providing the Debtors, Debtors' Attorney and the Trustee with copies of the Affidavit of Non-Payment and proposed Order granting Relief from Stay;
- d. the Court executing the proposed Order for Relief from Stay.

6. At the completion of the doomsday provision as provided above, shall be entitled to renew its Motion for Relief From Stay by letter request to the Court, with a copy to be mailed to debtor's counsel and the Chapter 13 Trustee. The letter request may provide that if no objection is received by the Court within fourteen (14) days of mailing, that the Court may enter an Order for Relief from Stay upon a receipt of an Affidavit of No Objection.

Said Order shall be immediately effective without further notice.

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